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Mos

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/374,989	08/16/99	MATAMA	T 1982-0129P

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BIRCH STEWART KOLASCH & BIRCH
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH VA 22042

EXAMINER

WALKE, A

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/28/01

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/374989

Applicant(s)

Matamu

Examiner

A. Walker

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/28/2001
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-4 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-4 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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DETAILED ACTION

This non-final office action is in response to the after final amendment filed 2/28/2001. The amendment has been entered and new grounds of rejection have been made.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 4 recites the limitation "wherein an identification code is recorded on said photographic material, said identification code expressing that said photosensitive material has either only one of or none of said color correcting function and said sharpness enhancing function, and wherein said identification code is recorded optically or magnetically onto said photosensitive material or is recorded onto a storage element provided at a cartridge accommodating said photosensitive material." The first part of the claim requires the identification code to be located on the recording material, but the last part of the claim refers to an embodiment in which the identification code is present on a cartridge as opposed to being present on the recording material. It is unclear as to whether the applicant is intending to claim a

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photosensitive material having an identification code recorded on the material, or whether the identification code is to be recorded on a cartridge containing the material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohan et al (5,837,433) in view of Suzuki et al (6,094,218).

Bohan et al disclose a color corrected display image that can be rapidly provided by color developing an imagewise exposed, silver halide color photographic material, scanning the developed image to form digital signals, and digitally manipulating those signals to correct either interimage interactions and/or gamma mismatches among at least two color recording units. The color negative material may contain an amount of masking coupler and Dmin adjusting dye of up to 0.2 mmol/ m². The limited amount reduces scanning noise and the Dmin adjusting dyes reduce the optical density which improves the scanning and digitization of the exposed material. Also, when the density sources are controlled in this manner, the silver halide emulsions may then be silver bromide and not predominantly silver chloride, but in order to shorten the processing time, it is preferred that the emulsions are silver chloride (column 10, lines 22-42). The material may contain a DIR coupler to aid in increasing the sharpness of the material although they may be

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obviated by employing the digital scanning and color correction steps taught by the reference (column 11, lines 17-26 and 49-65 and column 12, lines 1-55). The material is preferably encased in a spool cartridge (column 14, lines 4-17). Photographic processing of the material may be carried out using a conventional method for processing a film in a cartridge, or alternatively, can be processed by applying viscous solutions directly to the film surface. The residual error in the responses that are photographically processed by conventional means may be corrected by transforming the photographic color negative image to density representative digital signals and applying correction values to those signals. The material is scanned and the digital records may be manipulated to produce a color corrected digital record which may then be forwarded to an output device such as a silver halide film (column 20, line 39 to column 21, line 38). The resultant material has a good sharpness. The reference provides teachings for a silver halide photographic material having a color correction function due to a masking coupler and /or a DIR coupler, and interimage effects and for an alternative method of processing such a material which includes a step of digital manipulation to produce a color corrected image.

Suzuki et al disclose film cartridge having a bar code. The bar code may display film information such as the type or variety of the film (i.e. color film, positive film, or negative film), the frame number, and/ or the total number of frames. It may also display any information relating to photography such as time/date information and designated print size (column 6, lines 1-36). It is the position of the examiner that film information would include the method of processing the material.

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Given the teaching of the Suzuki et al reference that a bar code providing information related to photography may be contained on the film spool cartridge and the teaching of the Bohan et al reference that the color negative film may be encased in a cartridge, it would have been obvious to one of ordinary skill in the art to encase the photosensitive material of Bohan et al which has a color correction function in a cartridge containing a bar code such as that described by Suzuki et al. in which the film information contained by the bar code is processing instructions for that specific material. As noted in the 112 rejection it is unclear as to whether the present claim 4 requires the identification code to be present in the material. If the claim encompasses an embodiment where the identification code is present only in the cartridge, that embodiment is rendered obvious by Bohan in view of Suzuki.

5. Applicant's arguments and amendments in the response filed 3/2/2001 have been fully considered and the rejections made in the previous office action have been dropped. New grounds of rejection have been made.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Butiano et al (6,093,526) provides a teaching of a material having a color correction function, but was filed after the priority date of the present application. Szajewski et al (5,773,205) is cited for its teaching of a silver halide material and a film spool cartridge and a material having a color correction function .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Walke whose telephone number is (703) 305-0407. The examiner

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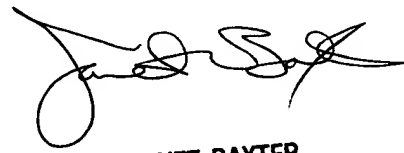
can normally be reached on Monday- Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter, can be reached on (703) 308-2303. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


acw

March 26, 2001



JANET BAXTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700